

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR Thursday, November 17, 2011.

Alan Duke, Chair, called to order the regular meeting of the Frederick County Board of Appeals ("Board") for Thursday, November 17, 2011 at 7:00 p.m. in the 2nd Floor Meeting Room in Winchester Hall. Present were Carole Jaar Sepe, Robert Fenimore, Mike Bowersox and John Capoccia. Also present were Michael Chomel, Assistant County Attorney, and Community Development Division staff Larry Smith, Zoning Administrator, Craig Terry, Planner, and Erica Cooke, Administrative Assistant.

Official Minutes of the Board of Appeals' meetings are kept on file in the Community Development Division.

The Chair stated the rules and procedures for the hearing.

Approval of Minutes

On a motion from Mr. Bowersox seconded by Mr. Capoccia, the board approved the minutes of October 27, 2011. (Yea 5, Nay 0, Abstain 0)

Case

The Chair swore in all persons who expected to testify at the meeting.

I. B-11-10 Douglas & Vlasta Belt

Requesting a variance of 14 ft. from the required 40 ft. front building restriction line in order to build an addition, located on the west side of Rosewood Road (3906 Rosewood Road, Tax Map 97 Parcel 118, Lot 1), Zoned Residential (R-1)

On a motion by Mr. Bowersox, seconded by Mr. Fenimore, the Board approved the request on the basis that the property met the requirements of Section 1-19-3.220 as it was found to be unique due to the incomplete Clover Street, was not a result of the Applicant's action, and a denial of the request would cause unreasonable hardship to the applicant. (Yea 5, Nay 0, Abstain 0)

II. Text Amendments

As there were no other cases, the Chair initiated a discussion on potential text amendments that would remedy some of the front yard issues that have been observed with recent cases. A majority agreed to have the zoning staff and county attorney review the following texts:

- 1-19-6-150 Projection of Architectural Features,
- 1-19-6.130 Front Yard Modifications and
- 1-19-6-150 Side and Rear Yard Modifications.

There was consensus that additional legal advice was required on Section 1-19-3.220 regarding "unreasonable hardship". The Board will review draft amendments at the January 2012 meeting.

Closing

The Chair announced that the next meeting will be held on December 15, 2011.

Being no further business, the meeting adjourned at 8:09 PM.

Respectfully submitted
Carole Jaar Sepe
Vice-Chair

Alan Duke, Chair